

# CHAPTER 35

## BOARD OF MEDICAL EXAMINERS

### Authority

N.J.S.A. 26:6A-1 et seq., specifically 26:6A-4; 45:1-15.1 and 45:9-2.

### Source and Effective Date

R.2005 d.120, effective March 17, 2005.  
See: 36 N.J.R. 4633(a), 37 N.J.R. 1203(a).

### Chapter Expiration Date

Chapter 35, Board of Medical Examiners, expires on March 17, 2010.

### Chapter Historical Note

Chapter 35, Board of Medical Examiners, was adopted and became effective prior to September 1, 1969.

Chapter 35, Board of Medical Examiners, was repealed and Chapter 35, Board of Medical Examiners, was adopted as new rules by R.1983 d.314, effective August 1, 1983. See: 15 N.J.R. 503(a), 15 N.J.R. 1255(a).

Subchapter 7, Chiropractic Practice, was adopted as R.1984 d.533, effective November 19, 1984. See: 16 N.J.R. 686(a), 16 N.J.R. 3208(a).

Pursuant to Executive Order No. 66(1978), Chapter 35, Board of Medical Examiners, was readopted as R.1989 d.532, effective September 21, 1989. See: 21 N.J.R. 2226(b), 21 N.J.R. 3307(a).

Subchapter 6A, Declarations of Death upon the Basis of Neurological Criteria, was adopted as R.1992 d.309, effective August 3, 1992. See: 23 N.J.R. 3635(a), 24 N.J.R. 2731(c).

Subchapter 2A, Limited Licenses: Certified Nurse Midwifery, was adopted as R.1992 d.332, effective September 8, 1992. See: 23 N.J.R. 3632(a), 24 N.J.R. 3094(a).

Subchapter 9, Acupuncture, was adopted as R.1993 d.299, effective June 21, 1993. See: 24 N.J.R. 4013(a), 25 N.J.R. 2689(c).

Subchapter 10, Athletic Trainers, was adopted as R.1993 d.546, effective November 1, 1993. See: 25 N.J.R. 265(a), 25 N.J.R. 4935(a), 26 N.J.R. 483(a).

Pursuant to Executive Order No. 66(1978), Chapter 35, Board of Medical Examiners, was readopted as R.1994 d.522, effective September 19, 1994, and Subchapter 7, Chiropractic Practice, was repealed by R.1994 d.522, effective October 17, 1994. See: 26 N.J.R. 2526(a), 26 N.J.R. 4195(a).

Subchapter 2B, Limited Licenses: Physician Assistants, was adopted as R.1994 d.538, effective November 7, 1994. See: 25 N.J.R. 5099(b), 26 N.J.R. 4411(b).

Subchapter 11, Alternate Resolution Program, was adopted as R.1995 d.339, effective June 19, 1995. See: 27 N.J.R. 1363(a), 27 N.J.R. 2412(a).

Subchapter 7, Prescription, Administration and Dispensing of Drugs, was adopted as R.1997 d.475, effective November 3, 1997. See: 29 N.J.R. 842(a), 29 N.J.R. 4706(a).

Subchapter 4A, Surgery, Special Procedures, and Anesthesia Services Performed in an Office Setting, was adopted as R.1998 d.294, effective June 15, 1998. See: 29 N.J.R. 2238(a), 30 N.J.R. 2236(b).

Petition for Rulemaking. See: 30 N.J.R. 740(c), 1642(a).

Pursuant to Executive Order No. 66(1978), Chapter 35, Board of Medical Examiners, was readopted as R.1999 d.356, effective September 20, 1999. See: 31 N.J.R. 1742(a), 31 N.J.R. 3117(a).

Subchapter 12, Electrologists Advisory Committee; Licensure of Electrologists and Electrology Instructors; Electrology Standards of Practice, was adopted as R.2004 d.279, effective July 19, 2004. See: 35 N.J.R. 3263(a), 36 N.J.R. 3401(a).

Subchapter 13, Perfusionists, Advisory Committee, was adopted as R.2005 d.88, effective March 7, 2005. See: 36 N.J.R. 1721(a), 37 N.J.R. 782(a).

Chapter 35, Board of Medical Examiners, was readopted as R.2005 d.120, effective March 17, 2005. See: Source and Effective Date. See, also, section annotations.

Subchapter 6A, Declarations of Death Upon the Basis of Neurological Criteria, was repealed and Subchapter 6A, Declarations of Death Upon the Basis of Neurological Criteria, was adopted as new rules by R.2007 d.120, effective May 7, 2007. See: 38 N.J.R. 2021(a), 39 N.J.R. 1751(a).

Subchapter 1, Medical Schools, Colleges, Externships, Clerkships And Post-Graduate Work, was renamed Medical Schools, Colleges, Externships and Clerkships; and Subchapter 3, Licensing Examinations and Endorsements, Limited Exemptions from Licensure Requirements, was renamed Licensing Examinations and Endorsements, Limited Exemptions from Licensure Requirements; Post-Graduate Training by R.2008 d.100, effective April 21, 2008. See: 39 N.J.R. 3876(a), 40 N.J.R. 2115(a).

### Law Review and Journal Commentaries

How New Jersey Regulates Doctors. Theodosia Tamborlane, 132 N.J.L.J. No. 15. S24 (1992).

## CHAPTER TABLE OF CONTENTS

### SUBCHAPTER 13. PERFUSIONISTS ADVISORY COMMITTEE

13:35-13.1	Purpose and scope
13:35-13.2	Definitions
13:35-13.3	Office of the Committee
13:35-13.4	Notification of change of address and record
13:35-13.5	Licensure under grandfathering
13:35-13.6	Licensing requirements for perfusionist
13:35-13.7	Grace period for practicing without licensure pending application
13:35-13.8	Licensure by reciprocity
13:35-13.9	License required for designation as perfusionist
13:35-13.10	Temporary license; supervision
13:35-13.11	License renewal
13:35-13.12	Change of license status: inactive to active
13:35-13.13	Reinstatement of suspended license
13:35-13.14	Duty to report change in status
13:35-13.15	Suspension, revocation or refusal to renew license
13:35-13.16	Continuing education
13:35-13.17	Fee schedule



applicants seeking licensure as a perfusionist and all perfusionists licensed in the State of New Jersey.

(b) This subchapter shall not apply to any person:

1. Licensed to practice under any other law and who is engaging in the practice for which he or she is licensed, registered or certified;
2. Enrolled as a student in a bona fide perfusion training program recognized by the Committee in performing those duties which are necessary for the student's course of study, provided the duties are performed under the supervision and direction of a licensed perfusionist;
3. Practicing perfusion within the scope of his or her official duties when employed by an agency, bureau or division of the Federal government, serving in the Armed Forces or the Public Health Service of the United States, or employed by the Veterans Administration; or
4. Performing autotransfusion or blood conservation techniques under the supervision of a licensed physician.

#### 13:35-13.2 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Act" means the Perfusionist Licensing Act, N.J.S.A. 45:9-37.94 et seq.

"Address of record" means an address designated by a licensee which is part of the public record and which may be disclosed upon request made to the Committee. "Address of record" may be a licensee's home, business, mailing address, or a post office box.

"Board" means the State Board of Medical Examiners.

"Committee" means the Perfusionists Advisory Committee established pursuant to section 4 of P.L. 1999, c.126 (N.J.S.A. 45:9-37.97 et seq.)

"Licensee" means an individual holding a license issued by the Perfusionist Advisory Committee under the State Board of Medical Examiners.

"Extracorporeal circulation" means the diversion of a patient's blood through a heart-lung machine or a similar device that assumes the functions of the patient's heart, lungs, kidney, liver or other organs.

"Perfusionist" means a person who is licensed to practice perfusion pursuant to the provisions of P.L. 1999, c.126 (N.J.S.A. 45:9-37.94 et seq.).

"Perfusion" means the functions necessary for the support, treatment, measurement or supplementation of the cardiovascular, circulatory or respiratory system or other organs, or a combination of those activities, and to ensure

#### SUBCHAPTER 13. PERFUSIONISTS ADVISORY COMMITTEE

##### 13:35-13.1 Purpose and scope

(a) This subchapter implements the Perfusionist Licensing Act, N.J.S.A. 45:9-37.94 et seq., and shall apply to all



the safe management of physiologic functions by monitoring and analyzing the parameters of the systems under an order and under the supervision of a licensed physician, including:

1. The use of extracorporeal circulation, long-term cardiopulmonary support techniques including extracorporeal carbon-dioxide removal and extracorporeal membrane oxygenation, and associated therapeutic and diagnostic technologies;
2. Counterpulsation, ventricular assistance, autotransfusion, blood conservation techniques, myocardial and organ preservation, extracorporeal life support and isolated limb perfusion;
3. The use of techniques involving blood management, advanced life support and other related functions;
4. In the performance of the activities described above, the administration of:
  - i. Pharmacological and therapeutic agents;
  - ii. Blood products or anesthetic agents through the extracorporeal circuit or through an intravenous line as ordered by a physician;
5. In the performance of the activities described above, the performance and use of:
  - i. Anticoagulation monitoring and analysis;
  - ii. Physiologic monitoring and analysis;
  - iii. Blood gas and chemistry monitoring and analysis;
  - iv. Hematologic monitoring and analysis;
  - v. Hypothermia;
  - vi. Hyperthermia;
  - vii. Hemoconcentration and hemodilution;
  - viii. Modified extracorporeal circulatory hemodialysis; and
6. The observation of signs and symptoms related to perfusion services, the determination of whether the signs and symptoms exhibit abnormal characteristics and the implementation of appropriate reporting, perfusion protocols, or changes in or the initiation of emergency procedures.

### 13:35-13.3 Office of the Committee

The office of the Committee shall be maintained at 124 Halsey Street, Newark, New Jersey. The mailing address of the Committee is PO Box 45049, Newark, New Jersey 07101.

### 13:35-13.4 Notification of change of address and record

(a) Licensees shall notify the Committee in writing of any change of the licensee's address of record from the address filed with the Committee and shown on the most recently issued certificate. Such notice shall be sent to the Committee no later than 30 days following the date on which the address of record is changed. If a PO Box is used as the address of record, the licensee must also provide the committee with another address which includes a street, city, state and zip code.

(b) Failure to notify the Committee of any change of the address of record pursuant to (a) above may result in disciplinary action in accordance with N.J.S.A. 45:1-21(h).

(c) Service of an administrative complaint or other Board or Committee-initiated process at the licensee's address of record on file with the Committee shall be deemed adequate notice for the purposes of N.J.A.C. 1:1-7.1 and the commencement of any disciplinary proceedings.

### 13:35-13.5 Licensure under grandfathering

(a) Upon submission of an application provided by the Committee for licensure as a perfusionist and payment of the application fee set forth at N.J.A.C. 13:35-13.17, the Committee shall issue a license to any person who applies for licensure by September 3, 2005 and submits documentation demonstrating that the applicant has at least five years experience immediately preceding the submission of the application for licensure, operating cardiopulmonary bypass systems for cardiac surgical patients as the applicant's primary function in a licensed health care facility.

1. An applicant who is certified by the American Board of Cardiovascular Perfusion (the "ABCP") shall be deemed to have demonstrated that he or she has the requisite experience operating cardiopulmonary bypass systems for cardiac surgical patients as his or her primary function in a health care facility provided that the applicant submits evidence that he or she has performed not less than 40 perfusion procedures per calendar year.

2. An applicant who is not ABCP certified shall be deemed to have demonstrated that he or she has the requisite experience operating cardiopulmonary bypass systems for cardiac surgical patients as his or her primary function in a health care facility provided that the applicant submits evidence that he or she has performed not less than 75 perfusion procedures per calendar year.



(b) An applicant for licensure under (a) above shall complete a clinical activity report form provided by the Committee. The applicant shall list on the clinical activity report each perfusion procedure he or she performed for which experience credit is claimed, within the five years preceding the date of application and shall, for each procedure listed, provide information to include:

1. The date on which the procedure was performed;
2. The medical record number of the procedure performed;
3. A description of the procedure performed;
4. The name of the surgeon who performed the procedure; and
5. The health care facility at which the procedure was performed.

(c) All application materials and fees required under this section shall be received by the Committee or bear a postmark dated prior to September 3, 2005 in order to be considered timely filed.

#### **13:35-13.6 Licensure requirements for perfusionist**

(a) To be eligible for licensure as a perfusionist, an applicant shall fulfill the following requirements:

1. Be at least 18 years of age;
2. Be of good moral character;
3. Have successfully completed:
  - i. A perfusion education program which complies with standards established by the Accreditation Committee for Perfusion Education, approved by the Commission on Accreditation of Allied Health Education Programs (CAAHEP), or its successors; or a foreign program that has been approved by an entity with substantially equivalent standards as CAAHEP or the Conjoint Committee under the Canadian Medical Association; or a program with substantially equivalent standards; and
  - ii. The two-part certification examination composed of the Clinical Applications in Perfusion Examination and the Perfusion Basic Science Examination offered by the American Board of Cardiovascular Perfusion (ABCP), or its successor, or the Canadian Certification Examination.

#### **13:35-13.7 Grace period for practicing without licensure pending application**

(a) Any person who submits an application for perfusionist licensure, whether by grandfathering pursuant to N.J.A.C. 13:35-13.5 or pursuant to the licensing requirements of N.J.A.C. 13:35-13.6, by September 3, 2005, may continue to practice as a perfusionist until the application is approved or denied by the Committee. During this six-

month time period, such person shall not hold himself or herself out as being licensed or certified as a perfusionist by the Committee.

(b) Any person who engages in the practice of perfusion after September 3, 2005 who has not submitted an application for licensure within the time period set forth in (a) above, shall be deemed to be engaged in the unlicensed practice of perfusion.

#### **13:35-13.8 Licensure by reciprocity**

(a) A perfusionist with a valid license, registration or certification issued by another state or possession of the United States, or the District of Columbia shall, upon the submission of an application provided by the Committee, and payment of a fee as set forth in N.J.A.C. 13:35-13.17, be issued a perfusionist license without examination, provided that:

1. The education, training and examination requirements in such other jurisdiction are substantially equivalent to those required by New Jersey at the time application; and
2. All licenses, in such other jurisdiction, are current, active and in good standing.

#### **13:35-13.9 License required for designation as perfusionist**

(a) No person shall engage or offer to engage in the practice of perfusion in the State of New Jersey unless that person holds a New Jersey license issued pursuant to N.J.S.A. 45:9-37.94 et seq., and this subchapter.

(b) No person shall use the title "perfusionist" or the abbreviation "LP" or any other title, designation, words, letters, abbreviations or insignia indicating the practice of perfusion, unless licensed to practice perfusion under the provisions of P.L. 1999, c.126 (N.J.S.A. 45:9-37.94 et seq.) and the rules of this subchapter.

#### **13:35-13.10 Temporary license; supervision**

(a) The Committee shall issue a temporary license to practice perfusion to a graduate perfusionist who:

1. Is at least 18 years of age;
2. Is of good moral character;
3. Has successfully completed a perfusion education program which complies with standards established by the Accreditation Committee for Perfusion Education, approved by the Commission on Accreditation of Allied Health Education Programs (CAAHEP), or its successors; or a foreign program that has been approved by an entity with substantially equivalent standards as CAAHEP or the Conjoint Committee under the Canadian Medical Association; or a program with substantially equivalent standards; and

4. Has not yet passed the certification examination required by N.J.A.C. 13:35-13.6(a)3ii.

(b) An applicant for temporary licensure shall submit to the Committee:

1. A completed application form;
2. A transcript sent directly from the perfusion program;
3. A letter from the medical director of the perfusion program stating that the applicant has successfully completed the perfusion program; and
4. The required fee as set forth in N.J.A.C. 13:35-13.17.

(c) A temporary perfusionist license shall expire one year from its date of issuance. A temporarily licensed perfusionist whose license expires may apply for renewal of the temporary license for one additional one-year period.

(d) The temporary license shall be surrendered to the Committee upon expiration or upon the issuance of the initial license.

(e) The temporarily licensed perfusionist shall practice only under the direct supervision of a licensed perfusionist. For purposes of this subsection, "direct supervision" means:

1. Immediate, constant oversight of a temporarily licensed perfusionist by a supervising licensed perfusionist for a minimum of the first 50 cases; and
2. After a minimum of the first 50 cases, the supervising licensed perfusionist shall be immediately available within the operating room suite in order to render any physical assistance to the temporarily licensed perfusionist, if required.

(f) At no time shall a supervising licensed perfusionist supervise more than one temporarily licensed perfusionist.

(g) A supervising licensed perfusionist shall not perform perfusion at the same time as supervising a temporarily licensed perfusionist.

(h) The supervising licensed perfusionist shall be certified by the American Board of Cardiovascular Perfusion for a minimum of three years and be license by the Committee.

(i) The supervising licensed perfusionist shall be responsible for the care of the patient while under extracorporeal support administered by the temporarily licensed perfusionist.

(j) A temporarily licensed perfusionist shall be supervised at all times. In the event that a supervising licensed perfusionist is no longer available to supervise, the temporarily licensed perfusionist may not practice until a new supervisor is available, who shall assume responsibility for the ongoing supervision of any temporarily licensed perfusionist providing care to the patient.

(k) Notwithstanding (j) above, if an emergency situation arises which potentially threatens the life or well-being of a patient, a temporarily licensed perfusionist may render perfusion services during the unanticipated absence of the supervising licensed perfusionist.

(l) Every effort shall be made by the supervising licensed perfusionist and/or the temporarily licensed perfusionist to obtain direct supervision in any emergent situation as described in (k) above.

#### 13:35-13.11 License renewal

(a) The Committee shall send a notice of renewal to all licensees at least 60 days prior to the date of license expiration. If the notice to renew is not sent at least 60 days prior to the license expiration date, no monetary penalties or fines shall apply to a licensee for failure to renew.

(b) A license to practice perfusion shall be issued for a period of two years. A licensee who seeks renewal of his or her license shall submit a license renewal application and the license renewal fee as set forth in N.J.A.C. 13:35-13.17 to the Committee prior to the expiration of the current license. The applicant shall also certify successful completion of the continuing education requirements prescribed in N.J.A.C. 13:35-13.16.

(c) Renewal applications shall provide the applicant with the option of either active or inactive status. Licensees electing inactive status shall pay the inactive license fee as set forth in N.J.A.C. 13:35-13.17 and shall not engage in the practice of perfusion.

(d) If a licensee does not renew his or her license prior to its expiration, the licensee may renew the license within 30 days of its expiration by submitting a renewal application, a license renewal fee and a late fee, as set forth in N.J.A.C. 13:35-13.17.

(e) A license that is not renewed within 30 days of its expiration shall be automatically suspended. An individual who continues to practice with a suspended license shall be deemed to be engaged in unlicensed practice.

(f) Falsification of any information submitted with a renewal application may result in penalties and/or suspension of the license pursuant to N.J.S.A. 45:1-21, 45:1-22 and 45:1-25 and N.J.A.C. 13:35-13.15.

#### 13:35-13.12 Change of license status: inactive to active

(a) A licensee who has placed his or her license in inactive status pursuant to N.J.A.C. 13:35-13.11(b) may, upon application to the Committee and payment of the renewal fee as set forth in N.J.A.C. 13:35-13.17, return to active status.



(b) Upon application to the Committee, the licensee shall present proof of completion of the continuing education credits which would have been required for license renewal at the time the licensee elected inactive status.

(c) A licensee who has been on inactive status shall complete 15 continuing education credits for each year the licensee is on inactive status.

(d) A licensee who has been on inactive status for one year or more shall complete all continuing education credits as required in (b) and (c) above and shall also demonstrate:

1. That the licensee has maintained certification by the American Board of Cardiovascular Perfusion (ABCP) continuously for the entire time period that the license has been inactive;

2. If the licensee has not maintained certification by the ABCP and has been inactive for more than one year but less than three years, the licensee shall take and pass the Clinical Applications in Perfusion Examination administered by the ABCP; or

3. If the licensee has not maintained certification by the ABCP and has been inactive for more than three years, the licensee shall take and pass the certification examination required in N.J.A.C. 13:35-13.6(a)3ii.

#### 13:35-13.13 Reinstatement of suspended license

(a) A person seeking reinstatement following the suspension of a license, pursuant to N.J.A.C. 13:35-13.11(d) for nonrenewal of a biennial license, may be reinstated by the Committee, provided the applicant otherwise qualifies for licensure pursuant to N.J.A.C. 13:35-13.6 and submits to the Committee the following information and materials:

1. A completed reinstatement application;
2. Payment of all past delinquent renewal fees as set forth in N.J.A.C. 13:35-13.17;
3. Payment of a reinstatement fee as set forth in N.J.A.C. 13:35-13.17;
4. An affidavit, on a form provided by the Committee and submitted by the applicant, that states whether or not the applicant has been practicing perfusion in this or any other state;
5. An affidavit verifying completion of the continuing education credits required for the renewal of an active license; and
6. If the applicant has been practicing perfusion, the applicant shall obtain an affidavit(s), on a form provided by the Committee, from all of the applicant's employers, documenting the dates of employment from the date that the New Jersey license was suspended to the date of application for reinstatement and the name, address and telephone number of each employer.

(b) An applicant whose license has been suspended for nonrenewal of a biennial license shall meet the following requirements as a condition of reinstatement:

1. Maintenance of certification by the American Board of Cardiovascular Perfusion (ABCP) continuously for the entire time period that the license has been suspended in this State;

2. If the applicant has not maintained certification by the ABCP and the license has been suspended for more than one year but less than three years, the applicant shall take and pass the Clinical Applications in Perfusion Examination administered by the ABCP; or

3. If the license has been suspended for a period of three years or more, even if the applicant has maintained certification by the ABCP, the licensee shall take and pass the certification examination required in N.J.A.C. 13:35-13.6(a)3ii.

#### 13:35-13.14 Duty to report change in status

(a) A licensee shall notify the Committee in writing, within 30 days, of any change in status at each licensed health care facility with which the licensee has an affiliation. The licensee shall further indicate the effective date of the change in status and provide an explanation therefor.

(b) A licensee shall notify the Committee, in writing, of any changes in circumstances which would alter the response last provided by the licensee to questions on the biennial renewal form eliciting information pertaining to pending or finalized actions, including those predicated on a no contest or nolo contendere plea or other consensual or voluntary agreement, or a surrender or resignation of license or of privileges or a consent to limitations on practice which occurred as a result of an investigation or of pending action. The following actions shall be reported:

1. Actions by law enforcement authorities for statutory or regulatory violations;
2. Actions by a New Jersey health care facility which condition, curtail, limit, suspend or revoke privileges;
3. Disciplinary actions by New Jersey or out-of-State licensing authorities;
4. Actions by the Department of Health and Senior Services;
5. Actions by professional review organizations or utilization review organizations;
6. Actions by a medical malpractice insurance carrier which decline coverage or decline continuation of coverage, assess a surcharge based on claims experience, impose new limitations or restrictions on practice, or require remedial education or monitoring; and
7. Entry of judgment in any malpractice actions or settlements.

(c) A licensee shall notify the Committee, in writing, of any changes in circumstances which would alter the response last provided by the licensee to questions on the biennial renewal form pertaining to medical conditions and use of chemical substances which in any way impair or limit the licensee's ability to practice with reasonable skill and safety.

(d) Failure by a licensee to provide the Committee with notice of any information required pursuant to this section within 30 days of the change or the event necessitating the filing of the notice may be deemed professional misconduct within the meaning of N.J.S.A. 45:1-21(e).

### 13:35-13.15 Suspension, revocation or refusal to renew license

(a) The Board may refuse to grant or may suspend or revoke a license to practice perfusion upon proof that the licensee:

1. Has permitted an unlicensed person or entity to perform an act for which a license is required by the Committee, or aided and abetted an unlicensed person or entity in performing such an act;
2. Used procedures and/or acted in a manner inconsistent with the standards of the practice of perfusion;
3. Has obtained a license or authorization to sit for an examination, as the case may be, through fraud, deception or misrepresentation;
4. Has engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense;
5. Has engaged in gross negligence, gross malpractice or gross incompetence which damaged or endangered the life, health, welfare, safety or property of any person;
6. Has engaged in repeated acts of negligence, malpractice or incompetence;
7. Has engaged in professional or occupational misconduct as may be determined by the Board or Committee;
8. Has been convicted of, or engaged in acts constituting any crime or offense involving moral turpitude or relating adversely to the activity regulated by the Committee. For the purpose of this subchapter, a judgment of conviction or a plea of guilty, non vult, nolo contendere or any other such disposition of alleged criminal activity shall be deemed a conviction;
9. Has had his or her authority to engage in the practice of perfusion revoked or suspended by any other state, agency or authority for reasons consistent with this subchapter;
10. Has violated or failed to comply with the provisions of any Act or regulation administered by the Committee;

11. Is incapable, for medical or any other good cause, of discharging the functions of a licensee in a manner consistent with the public's health, safety and welfare;

12. Has violated any provision of P.L. 1983, c.320 (N.J.S.A. 17:33A-1 et seq.) or any insurance fraud prevention law or Act of another jurisdiction or has been adjudicated, in civil or administrative proceedings, of a violation of P.L. 1983, c.320 (N.J.S.A. 17:33A-1 et seq.) or has been subject to a final order, entered in civil or administrative proceedings, that imposed civil penalties;

13. Is presently engaged in drug or alcohol use that is likely to impair the ability to practice the profession or occupation with reasonable skill and safety. For purposes of this subchapter, the term "presently" means at any time within the previous 365 days; or

14. Advertised the practice of perfusion so as to disseminate false, deceptive or misleading information, whether as an individual, through a professional service corporation or through a third party.

(b) In addition to the consequences listed in (a) above, the Board may impose additional or alternative penalties pursuant to N.J.S.A. 45:1-22 and 45:1-25 for violations of any provision of N.J.S.A. 45:9-37.94 et seq., and this subchapter.

(c) The Board may order a refusal to renew license, suspension of license, temporary suspension of license or revocation of license, and/or the issuance of a civil penalty under this section, provided that the licensee has an opportunity to be heard by the Board pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

### 13:35-13.16 Continuing education

(a) A licensee applying for biennial license renewal shall complete, during the preceding biennial period, 30 continuing education (CE) credits as specified under this section. Applicants for initial licensure are exempt from the continuing education requirements of this section for the initial biennial period of licensure.

(b) Each licensee shall confirm on the application for biennial licensure renewal that he or she has completed 30 continuing education credits. The Committee may conduct random audits to determine licensee compliance with continuing education requirements.

(c) A licensee who completes credit hours in excess of the 30 credits required may apply no more than 15 of those credits to the continuing education requirement for the following biennial period only.

(d) A licensee who is required to complete remedial continuing education pursuant to Board or Committee action shall not receive credit for such imposed continuing education toward the mandatory 30 credits of biennial licensure period.

(e) The Committee may direct a licensee to complete continuing education credits to correct a deficiency in the licensee's continuing education requirement.

(f) A licensee may obtain continuing education credits from the following:

1. Successful completion of programs, courses or seminars approved by the Committee, pursuant to (j) below. The Committee shall approve only such continuing education programs as are available to all perfusionists in this State on a reasonable, non-discriminatory basis. The Committee shall maintain a list of all approved programs, courses and lectures at the Committee office and shall furnish this information to licensees upon request;
2. Courses approved by the American Board of Cardiovascular Perfusion (ABCP);
3. Post-graduate courses at Commission on Accreditation of Allied Health Education Programs (CAAHEP) approved perfusion schools;
4. Courses offered in Pediatric Advanced Cardiac Life Support (PALS) and/or Advanced Cardiac Life Support (ACLS) and courses offered by the American Heart Association (AHA), the Society of Thoracic Surgeons, the American Association for Thoracic Surgery, the American College of Cardiology (ACC), the American Academy of Cardiovascular Perfusion (AACP), the American Society of Extracorporeal Technology (AmSect), the American Society of Anesthesiology (ASA), the Society of Cardiovascular Anesthesiologists (SCA), the American Society of Blood Banks, the American College of Chest Physicians, the Joint Commission on Accreditation of Healthcare Organizations, the National Heart, Lung and Blood Institute, the New England Journal of Medicine, the New Jersey State Perfusion Society and the American College of Surgeons (ACS) and the Cardiovascular Research Education Foundation (CREF);
5. Medical science courses relevant to the scope of practice of perfusion, as defined in N.J.A.C. 13:35-13.2;
6. Professional presentations consisting of new courses specifically related to perfusion. For purposes of this paragraph, "new" means a course which the licensee has never taught before in an educational setting;
7. Authorship of peer reviewed textbooks, articles or manuals specifically related to perfusion; and
8. Videotaped, teleconference and Internet courses related to the practice of perfusion, with verification by the course provider that the course was monitored and successfully completed by the licensee.

(g) Credit for continuing education shall be granted for each biennial licensure period as follows:

1. A licensee shall receive one continuing education credit for each hour of attendance at programs, courses or seminars approved by the Committee pursuant to (j) below. Credit shall not be granted for courses that are less than one instructional hour long. For purposes of this subchapter, an "instructional hour" represents a 60-minute clock hour with no less than 50 minutes of content within the hour. Programs may include one 10-minute break for each instructional hour;
2. Successful completion of courses approved by the ABCP pursuant to (f)2 above: one continuing education credit for each course credit awarded;
3. Successful completion of post-graduate courses pursuant to (f)3 above: one continuing education credit for each course credit awarded;
4. Successful completion of perfusion related courses pursuant to (f)4 and/or (f)5 above: one continuing education credit for each course credit awarded and a maximum of 15 credits per biennial licensure period;
5. Professional presentations pursuant to (f)6 above: three credits per new course presentation with a maximum of six credits per biennial licensure period;
6. Publication in a peer-reviewed professional journal of an article related to the practice of perfusion pursuant to (f)7 above: three credits per article with a maximum of six credits per biennial licensure period;
7. Authorship of a peer-reviewed textbook or manual related to the practice of perfusion pursuant to (f)7 above: five credits for each textbook or manual with a maximum of 10 credits per biennial licensure period; and
8. Videotaped, teleconference and Internet courses related to the practice of perfusion pursuant to (f)8 above: one credit for each course with a maximum of 10 credits per biennial licensure period.

(h) To report continuing education credit hours, a licensee shall:

1. Certify on the application for biennial renewal, completion of the required number of continuing education credits. Falsification of any information submitted on the renewal application shall provide cause for penalties and/or license suspension;
2. Maintain all evidence of verification of continuing education requirements for a period of four years after completion of the credits and submit such documentation to the Committee upon request; and
3. Provide to the Committee upon request, documentation of continuing education requirements as follows:

i. For programs, courses, seminars and conferences approved by the Committee: the course provider's written verification of attendance;

ii. For post-graduate courses: an official transcript;

iii. For articles published in a peer-reviewed professional journal: the published article;

iv. For professional presentations: brochure, announcement or written evidence of presentation;

v. For authored textbooks or manuals: the textbook or manual; and

vi. Videotaped, teleconference and Internet courses: written verification from the course provider.

(i) The Committee may extend and/or waive the time period for completion of continuing education requirements on an individual basis for reasons of hardship, such as severe illness, disability or military service.

1. A licensee seeking an extension and/or waiver of the continuing education requirements shall apply to the Committee in writing and set forth in specific detail the reasons for requesting the extension and/or waiver. The licensee shall submit to the Committee all documentation in support of the request for extension and/or waiver.

2. A licensee shall apply for an extension and/or waiver within 60 days of the expiration of the biennial renewal period. All requests shall be sent to the Office of the Committee, as defined in N.J.A.C. 13:35-13.3, by certified mail, return receipt requested.

(j) All sponsors of continuing education seeking approval under (f)1 above shall:

1. Submit for each course, program or seminar offered, for evaluation by the Committee:

i. A detailed description of course content and estimated hours of instruction;

ii. The curriculum vitae of each lecturer, including the specific background which qualifies the individual as a lecturer in the area of instruction; and

iii. A form of verification of attendance that will be provided to attendees.

2. Obtain Committee approval prior to representing that any course, seminar or program fulfills the requirements of this section;

3. Monitor the attendance at each approved course, program or seminar and furnish to each enrollee a verification of attendance, which shall include at least the following information:

i. The title, date and location of the course, program or seminar;

ii. The name of the attendee;

iii. The number of credits awarded; and

iv. The name and signature of the sponsor and the official documentation of the organization.

4. Submit course evaluations. The sponsor shall conduct post-course evaluations. Evaluations shall be solicited from both the participants and instructors. Courses shall be evaluated to determine whether:

i. Objectives have been met;

ii. Prerequisites were necessary or desirable;

iii. Facilities were satisfactory;

iv. The instructor was effective;

v. Advanced preparation materials were satisfactory; and

vi. The course content was timely and effective; and

5. Submit a fee pursuant to N.J.A.C. 13:35-13.17 for each new course, program or seminar reviewed by the Committee.

(k) Failure of a sponsor to comply with the content requirements for continuing education courses and the responsibilities of course sponsors as specified in (j) above may result in the suspension of the pre-approved status for courses offered by the sponsor. The Committee may rescind course approval based on the content of the post-course evaluations.

#### 13:35-13.17 Fee schedule

(a) The fee schedule for the Committee shall be as follows:

1. Application fee: (non-refundable) ..... \$20.00

2. Temporary license ..... \$75.00

i. Extension of temporary license ..... \$75.00

3. Initial registration fee:

i. If paid during the first year of a biennial renewal period ..... \$150.00

ii. If paid during the second year of a biennial renewal period ..... \$75.00

4. Biennial registration renewal ..... \$150.00

5. Application for reciprocal license ..... \$150.00  
plus the applicable initial certification fee  
set forth in (a)3 above

6. Inactive license fee ..... (to be established by rule  
by the Director)

7. Reinstatement fee ..... (to be established by rule  
by the Director)

8. Sponsor course approval fee ..... \$100.00

9. Late fee ..... \$25.00

10. Duplicate or replacement of biennial registration certificate ..... \$25.00

11. Preparation of certification papers for applicants to other states ..... \$25.00